

U.S. DISTRICT COURT - N.D. OF N.Y.
FILED
JAN 28 2025
AT ____ O'CLOCK
John M. Domurad, Clerk - Plattsburgh

UNITED STATES DISTRICT COURT

for the
Northern District of New York

UNITED STATES OF AMERICA

v.

Karl McMULLEN

Defendant.

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Case No. 8:25-MJ-20 (GLF)

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of January 26, 2025, in the county of Clinton in the Northern District of New York the defendant violated:

Code Section

8 U.S.C. § 1324(a)(1)(A)(ii)

Offense Description

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on the attached sheet.

D. Matthews

1/27/2025 - 3:30 PM

Complainant's signature

U.S. Border Patrol Agent Dustin M. Matthews

Printed name and title

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: January 28, 2025Gary L. Favro*Judge's signature*City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

Printed name and title

Continuation Sheet, United States v. Karl MCMULLEN

On January 26, 2025, at approximately 2:20 AM, a Border Patrol agent overserving traffic on Lost Nations Road in Churubusco, New York, spotted two vehicles, a sedan and a Ford Flex, that appeared to be travelling together driving north on Lost Nations Road. Lost Nations Road parallels County Line Road roughly one mile to the east and is frequently utilized for smuggling activity. The same vehicles were then detected via electronic surveillance equipment on County Line Road at the intersection on Merchia Road, an unpaved dirt road and at times impassable during the winter months. The vehicles travelled down Merchia Road to reach County Line Road.

Approximately twenty minutes later, the Border Patrol agent positioned on Lost Nations Road observed two sets of headlights travelling south on Lost Nations Road toward his position. The agent positioned his marked Border Patrol Service vehicle facing the road and turned on his takedown lights to illuminate the vehicles as they passed. As the vehicles passed, the agent immediately identified the vehicles as the same ones he observed travelling northbound on Lost Nations Road at 2:20 AM. The vehicles both appeared to be occupied by several individuals and the back windows of both vehicles were fogged up. This condensation on the windows, in the experience of the agents, is indicative that there are likely soaking wet individuals in the vehicle, likely from walking though the deep snowy wooded area along the US/Canada International Border. Both vehicles approached the stop sign at the intersection of Lost Nations Road and US 11. One of the vehicles did not stop and abruptly accelerated. The agent pulled out behind both vehicles and immediately activated his emergency lights and sirens in an attempt to execute a vehicle stop. Both vehicles failed to yield and accelerated. The pursuing agent called for backup agents and notified Swanton Sector Border Patrol Dispatch of the pursuit.

The vehicles travelled east on US 11 towards Ellenburg, New York and as both vehicles approached Brandy Brook Road, the rear vehicle, a Ford Flex ("the Ford Flex"), braked abruptly, and attempted to turn onto Brandy Brook Road. The Ford Flex took the turn too late, went off the road and buried itself in the deep snow in the ditch. The second vehicle, now identified as a Chrysler 300 ("the Chrysler"), continued traveling on US11.

Agents approached the immobilized vehicle, the driver (later identified as MCMULLEN, Karl Edward) exited the Ford Flex and attempted to abscond through the deep snow. K.M. began yelling about a gun and behaved in an incoherent erratic manner. As agents exited their marked Border Patrol service vehicle and hearing K.M. yelling about a gun, agents drew their service pistol while verbally ordering K.M. to get on the ground and put his hands up. K.M. kept shouting "They had me at gunpoint!" and attempted to abscond one more time before falling, and then staying on the ground. Agents approached K.M. and began giving him commands. Agents placed K.M. in handcuffs, quickly patted him down for obvious weapons, then moved to the other occupants in the Ford Flex. Agents discovered eight other subjects inside of the Ford Flex. Three of the eight subjects were ages 15, 7, and 9. All the subjects in the Flex were packed in on top of one another with no seat belts or proper seating. The occupants in the Ford Flex consisted of six United Kingdom nationals (later identified with initials A.S, A.S, C.S, M.S, P.S and E.S.), one United States citizen driver, and two Indian nationals (later identified with initials T.K. L.S.). While searching the Flex, agents observed what appeared to be a pistol on the floorboard of the driver seat, by the pedals. The gun was cleared and identified to be a spring action BB gun.

All subjects, excluding the US citizen, admitted to having just entered the United States from Canada by crossing the International Border on foot, without any immigration documentation to be in, passthrough or remain in the United States legally.

At this time, all nine subjects in the Ford Flex were detained and transported to the Burke Border Patrol Station for further record checks, interviews and processing.

Continuation Sheet, United States v. Karl MCMULLEN

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all nine subjects. Record checks revealed that MCMULLEN is a citizen of the United States. Record checks revealed that six of the eight passengers in the Ford Flex were citizens the United Kingdom and two passengers were citizens of India, with no documentation to be in, passthrough or remain in the United States legally.

At the station, E.S was read his *Miranda* rights and agreed to speak with agents without an attorney present. E.S. stated that the Indian people took him through the woods from Canada to the United States and he and his family he just followed them.

E.S. said that he wanted to report to immigration but the people in his group said "don't" and that there would be a vehicle waiting. E.S. described the vehicle that picked them up as a Ford Flex. E.S. described the driver (MCMULLEN) and identified his picture. E.S. said that they begged the MCMULLEN to stop the car because they were scared of how fast the driver was driving.